

REMARKS**Status of the Application and Claims**

With entry of this amendment, Applicants request reconsideration and allowance of pending claims 21, 24 and 49. Applicants have amended the specification at the request of the Office. No new matter was added by way of these amendments.

With entry of this amendment, Gary F. Peter is removed as a co-inventor. See 37 C.F.R. § 1.48(b).

Claim Objections

Claims 21, 24 and 49 were objected to because the plural term “media” was used. Applicants have amended the claims accordingly and believe this objection is now moot.

Rejection Under 35 U.S.C. § 102(b)

The Office rejected claims 21, 24 and 49 under 35 U.S.C. § 102 (b), as being anticipated by Baochun et al. and Burkhart et al. Office Action, 12/03/03 at 2-3.

Specifically, the Office noted that Baochun et al. “teach a medium for induction of embryogenic cultures of asparagus comprising paclobutrazol, ancymidol, or uniconazole (gibberellin inhibitors). *Id.* at 2.

Applicants have amended claim 21 so that it is drawn specifically to conifer embryogenic cultures supplemented with one or more gibberellin inhibitor. Such an amendment is supported by the specification in its entirety. *See* Specification, pp. 1-62. Accordingly, Baochun et al., which “teach a medium for induction of embryogenic cultures of asparagus,” does not anticipate the present invention. Office Action, at 2 (emphasis added).

Further, Applicants note that while reports exist for other plant species that demonstrate gibberellin inhibitors can improve somatic embryogenesis (Halperin 1970, Rajasekaran et al. 1987, Li and Wolyn 1995, Hutchinson et al. 1997), there are corresponding reports that demonstrate the opposite effect - gibberellins inhibitors repress somatic embryogenesis (Biddington et al. 1992, Shimizu et al. 1997, Hita et al. 1998, Rudus et al. 2000). No study, however, apart from the present invention, has shown a stimulatory effect on conifer embryos. Thus, because the above literature clearly shows that plant systems vary significantly and cannot be considered analogous, the Applicant respectfully requests the rejection be withdrawn.

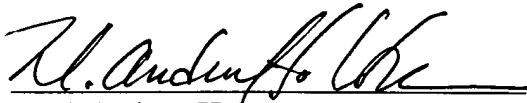
Additionally, the Office rejects claims 21, 24 and 49 over Burkhart et al., which allegedly “teach a medium for growing and rooting microshoots obtained from previous growth and proliferation of white pine seedling embryogenic tissue comprising ancymidol and flurprimidol (gibberellin inhibitors).” Office Action, at 2-3. A claim is anticipated, however, only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See Verdegaal Bros. v. Union Oil*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Burkhart et al. fails to disclose a medium for initiating or for previously initiated conifer embryogenic cultures, as defined by the Applicants. *See e.g.*, Specification, at 8-12. Indeed, Burkhart et al. discloses, on the other hand, only the treatment of roots from a seedling germinated directly from seed that is over one month old. *See Burkhart et al.*, pp. 475-476. As such, this reference cannot anticipate the claims of the present invention and, therefore, the Applicants respectfully request this rejection be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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